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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,568	07/29/2003	Kevin Baker	742441-2	4119

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NIXON PEABODY, LLP  
401 9TH STREET, NW  
SUITE 900  
WASHINGTON, DC 20004-2128

EXAMINER

TRAN, HANH VAN

ART UNIT PAPER NUMBER

3637

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/628,568

Applicant(s)

BAKER, KEVIN

Examiner

Hanh V. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

*HL*

**DETAILED ACTION**

1. This is the First Office Action on the Merits from the examiner in charge of this application.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by USP 5,360,263 to Nakano et al.

Nakano et al discloses an interlocking component assembly comprising all the elements recited in the above listed claims including, such as shown in Fig 1, a plurality of integral frame and panel components P, each having a channel formed along the entire periphery of each frame component P, at least one locking tab 10 disposed within the channel of each component, and at least one aperture 20 disposed within the channel of each component, wherein during assembly the channel of a frame component is inserted within a channel of another frame component, the at least one locking tab 10 is received within a corresponding aperture to lock the components together along the length thereof.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by USP 4,296,983 to Rogers et al.

Rogers et al discloses an interlocking component assembly comprising all the elements recited in the above listed claims including, such as shown in Figs 1-2, a plurality of integral

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frame and panel components 10,20, each having a channel formed along the entire periphery of each frame component, wherein during assembly the channel of a frame component is inserted within a channel of another frame component to lock the components together along the length thereof to form a three-dimensional unit having at least one sub-component disposed therein, wherein this sub-component can be any well known elements disposed within a cabinet, such as shelves.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakano et al.

Nakano et al discloses all the elements recited in the above listed method claims as discussed in paragraph #3 above. The different being that Nakano et al does not disclose the steps recited in said method claims.

However, Nakano et al teaches all the elements recited in said method claims, it is inherent that one skill in the art would be able to perform the steps recited in said claims.

8. Claims 2-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers et al in view of Nakano et al.

Rogers et al discloses all the elements as discussed above except for at least one locking tab disposed within the channel of each component, and at least one aperture disposed within the channel of each component, such that during assembly the channel of a frame component is inserted within a channel of another frame component, the at least one locking tab is received within a corresponding aperture, and the method steps recited in claims 4-6.

Nakano et al teaches the idea of providing an interlocking component assembly, such as shown in Fig 1, comprising a plurality of integral frame and panel components P, each having a channel formed along the entire periphery of each frame component P, at least one locking tab 10 disposed within the channel of each component, and at least one aperture 20 disposed within the channel of each component, wherein during assembly the channel of a frame component is inserted within a channel of another frame component, the at least one locking tab 10 is received within a corresponding aperture to lock the components together along the length thereof without the need of employing additional attachment or locking means between the panel components (col. 1, lines 43-48). Therefore, it would have been obvious to modify the structure of Rogers et al by providing at least one locking tab disposed within the channel of each component, and at least one aperture disposed within the channel of each component, such that during assembly, the channel of a frame component is inserted within a channel of another frame component, the at least one locking tab is received within a corresponding aperture to lock the components together

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along the length thereof without the need of employing additional attachment or locking means between the panel components, as taught by Nakano et al, since both teach alternate conventional interlocking component assembly, classified in the same U.S. Classification, thereby providing structure as claimed. In regard to the method claims, since Rogers et al, as modified, teaches all the elements recited in said method claims, it is inherent that one skill in the art would be able to perform the steps recited in said claims.

### *Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kullander, Key, Lesperance et al, Liebertz et al Chang, Maffeo, Chen, and Betts all show structures similar to various elements of applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (571) 272-6868. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HVT

May 14, 2005

  
**Hanh V. Tran**  
**Art Unit 3637**